

MAR 12 2013

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## SENATE RESOLUTION

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AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

1 WHEREAS, Christine McAuliffe Fuss is successor trustee of  
2 the Priscilla Jane McAuliffe Living Trust dated June 22, 1994,  
3 recorded in the Office of the Assistant Registrar of the Land  
4 Court of the State of Hawaii, as Document No. 2319247 being all  
5 the property described in Transfer Certificate of Title 477023  
6 located at Mokuleia, District of Waialua, City and County of  
7 Honolulu, State of Hawaii identified as tax map key number (1)  
8 6-8-004-014, zoned R-7.5 Urban; and  
9

10 WHEREAS, the seaward boundary of the Priscilla Jane  
11 McAuliffe Living Trust property fronts the ocean and a seawall  
12 straddles the seaward boundary of the Priscilla Jane McAuliffe  
13 Living Trust property and submerged public land, which is state  
14 owned and identified by tax key map number (1) 6-8-004, seaward  
15 of parcel 14. The seawall encroaches into the state-owned  
16 submerged land; and  
17

18 WHEREAS, the area of the seawall comprising approximately  
19 101 square feet has encroached on state owned submerged land  
20 prior to 1964; and  
21

22 WHEREAS, Christine McAuliffe Fuss applied to the Land  
23 Division of the Department of Land and Natural Resources to  
24 request a grant of a fifty-five year term for a non-exclusive  
25 easement for seawall and step purposes; and  
26

27 WHEREAS, on December 14, 2012, under agenda item D-16, the  
28 Board of Land and Natural Resources approved the request for the  
29 term easement for seawall and step purposes; and  
30

31 WHEREAS, on December 14, 2012, under agenda item D-16, the  
32 Board of Land and Natural Resources declared that, after  
33 considering the potential effects of the proposed disposition as  
34 provided by chapter 343, Hawaii Revised Statutes, and chapter



1 11-200, Hawaii Administrative Rules, this project will have  
2 minimal or no significant impact on the environment and is  
3 therefore exempt from the preparation of an environmental  
4 assessment; and  
5

6 WHEREAS, on December 14, 2012, under agenda item D-16, the  
7 Board of Land and Natural Resources authorized the easement  
8 request to be applicable in the event of a change of ownership  
9 of the abutting parcel described as tax key map number (1) 6-8-  
10 004-14 provided the succeeding owner has not had a lease,  
11 permit, easement, or other disposition of state lands terminated  
12 within the last five years due to noncompliance with such terms  
13 or provisions; and  
14

15 WHEREAS, the character of the use of the easement is the  
16 right, privilege, and authority to use, maintain, repair,  
17 replace, and remove the existing seawall over, under, and across  
18 state-owned land; and  
19

20 WHEREAS, the easement term is for fifty-five years in  
21 consideration for a one-time payment to be determined by  
22 independent or staff appraisal establishing a fair market rent,  
23 subject to review and approval by the Chairperson of the Board  
24 of Land and Natural Resources; and  
25

26 WHEREAS, pursuant to section 171-53(c), Hawaii Revised  
27 Statutes, the Board of Land and Natural Resources, with the  
28 approval of the Governor and the prior authorization of the  
29 Legislature by concurrent resolution, may lease state submerged  
30 lands and lands beneath tidal waves; now, therefore,  
31

32 BE IT RESOLVED by the Senate of the Twenty-seventh  
33 Legislature of the State of Hawaii, Regular Session of 2013,  
34 that the fifty-five year term for a non-exclusive easement to  
35 Christine McAuliffe Fuss as successor trustee of the Priscilla  
36 Jane McAuliffe Living Trust for seawall and step purposes, is  
37 hereby authorized by the Legislature according to the terms and  
38 conditions approved by the Board of Land and Natural Resources  
39 on December 14, 2012; and  
40  
41



S.R. NO. 67

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be transmitted to the Governor and Chairperson of the  
3 Board of Land and Natural Resources.  
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OFFERED BY: \_\_\_\_\_

